

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

EVELYN CRUZ-RIVERA

(b) County of Residence of First Listed Plaintiff _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

DIVERSIFIED ADJUSTMENT SERVICE, INC.

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other TABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. SECTION 1692

Brief description of cause:
Fair Debt Collection Practices Act**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 3601 Fenn Drive, 1st Floor, Philadelphia, PA 19154

Address of Defendant: 1000 Conon Rapids Boulevard, Conon Rapids, MI 55433

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. 1692
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, Craig Thor Kimmel, counsel of record do hereby certify:
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 4/15/11

Craig Thor Kimmel
Attorney-at-Law

57100
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/15/11

Craig Thor Kimmel
Attorney-at-Law

57100
Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Evelyn Cruz-Rivera : CIVIL ACTION
v. :
Diversified Adjustments Service, Inc. NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

4/15/11 Craig Thor Kimmel Evelyn Cruz-Rivera
Date Attorney-at-law Attorney for
215-540-8888 877-788-2864 Kimmel@creditlaw.com
Telephone FAX Number E-Mail Address

(Unlawful Debt Collection Practices)

PLAINTIFF'S COMPLAINT

6. Plaintiff is a natural person residing in Philadelphia, Pennsylvania, 19154.

7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

9. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), repeatedly contacted Plaintiff in an attempt to collect a debt.

PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act ("FDCPA") is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or unconscionable conduct, both generally and in a specific list of disapproved practices.

12. In particular, the FDCPA broadly enumerates several practices considered contrary to its stated purpose, and forbids debt collectors from taking such action. The substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any

1 person in connection with the collection of a debt.” 15 U.S.C. § 1692d. Second, a “debt
2 collector may not use any false, deceptive, or misleading representation or means in connection
3 with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use
4 unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.
5 The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not there
6 exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which
7 harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in
8 connection with the collection of a debt.
9

10 13. In enacting the FDCPA, the United States Congress found that “[t]here is
11 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many
12 debt collectors,” which “contribute to the number of personal bankruptcies, to marital instability,
13 to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692a. Congress
14 additionally found existing laws and procedures for redressing debt collection injuries to be
15 inadequate to protect consumers. 15 U.S.C. § 1692b.

16 14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt
17 collectors. The express purposes of the FDCPA are to “eliminate abusive debt collection
18 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt
19 collection practices are not competitively disadvantaged, and to promote consistent State action
20 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692e.
21

22 **FACTUAL ALLEGATIONS**

23 15. At all relevant times, Defendant was attempting to collect an alleged consumer
24 debt from Plaintiff.

25 16. Based on information and belief, the alleged debt at issue arose out of

1 transactions, which were primarily for personal, family, or household purposes.

2 17. On or around September 6, 2010, Defendant sent a collection letter to Plaintiff's
3 place of employment addressed to "Angel Rivera", seeking and demanding payment of an
4 alleged debt owed to Sprint in the amount of \$502.49. A true and correct copy of the September
5 6, 2010 letter is attached hereto as Exhibit "A".

6 18. Defendant's September 6, 2010, letter was addressed to "30 Butler Avenue,
7 Ambler PA 19002." See Exhibit "A".

8 19. "30 Butler Avenue, Ambler PA 19002," is Plaintiff's place of employment, not
9 her residence; this caused great embarrassment for Plaintiff as several of her co-workers handled
10 the letter before it was given to her.

11 20. Furthermore, Defendant's September 6, 2010, letter was confusing as it was
12 addressed to an "Angel Rivera"; while Plaintiff has an adult son named "Angel", his last name is
13 Cruz, not "Rivera." See Exhibit "A".

14 21. Further compounding the confusion, Plaintiff's son does not reside or work at 30
15 E. Butler Avenue in Ambler, Pennsylvania.

16 22. The September 6, 2010 letter stated that: "your account has been placed with us
17 for collection." See Exhibit "A".

18 23. As the letter was addressed to "Angel Rivera" and sent to Plaintiff's place of
19 employment, Plaintiff was uncertain whose account Defendant was seeking to collect.

20 24. However, neither Plaintiff nor her son have a Sprint account, which made the
21 correspondence even more confusing.

22 25. On or around November 6, 2010, Defendant sent a second correspondence to
23 Plaintiff's place of employment, yet again addressed to "Angel Rivera". A true and correct copy
24 of the November 6, 2010 letter is attached hereto as Exhibit "B".

25 26. Defendant's November 6, 2010 letter stated "YOU SHOULD NOT LOSE THIS

1 OPPORTUNITY, TO LIQUIDATE THIS DEBT!" See Exhibit "B".

2 27. Again, as the letter was addressed to "Angel Rivera" and sent to Plaintiff's place
3 of employment, Plaintiff was uncertain who this correspondence was directed to.

4 28. Further, Defendant indicated in its November 6, 2010 letter that Plaintiff could
5 pay at www.EasyPayment.com by credit card or check. See Exhibit "B".

6 29. Defendant's website charges \$6.99 if payment is made via credit card or check;
7 Plaintiff never had an agreement with Sprint, and therefore never agreed to pay this additional
8 charge. See Exhibit "C".

9 30. Upon information and belief, Defendant sought to collect a debt from Plaintiff
10 despite the fact that it had no knowledge of its validity.

11 31. Defendant's actions in attempting to collect the alleged debt were harassing,
12 abusive and highly deceptive.

14 CONSTRUCTION OF APPLICABLE LAW

15 32. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay &
16 Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes strict liability, a consumer
17 need not show intentional conduct by the debt collector to be entitled to damages." Russell v.
18 Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233
19 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector's legal status
20 violated FDCPA); Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

21 33. The FDCPA is a remedial statute, and therefore must be construed liberally in
22 favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The
23 remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit
24 & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). "Because the FDCPA, like the
25 Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be

1 construed liberally in favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir.
2 2002).

3 34. The FDCPA is to be interpreted in accordance with the “least sophisticated”
4 consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano
5 v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc.,
6 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not “made for the protection of experts, but for
7 the public - that vast multitude which includes the ignorant, the unthinking, and the credulous,
8 and the fact that a false statement may be obviously false to those who are trained and
9 experienced does not change its character, nor take away its power to deceive others less
10 experienced.” Id. The least sophisticated consumer standard serves a dual purpose in that it
11 ensures protection of all consumers, even naive and trusting, against deceptive collection
12 practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of
13 collection notices. Clomon, 988 F. 2d at 1318.

14
15 **COUNT I**
16 **DEFENDANT VIOLATED**
17 **THE FAIR DEBT COLLECTION PRACTICES ACT**

18 35. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or
19 more of the following ways:

- 20 a. Defendant violated of the FDCPA generally;
- 21 b. Defendant violated § 1692c(a)(3) of the FDCPA by communicating with
22 Plaintiff at a place it should have known to be inconvenient to Plaintiff,
23 specifically her place of employment;
- 24 c. Defendant violated § 1692d of the FDCPA by harassing Plaintiff in
25 connection with the collection of an alleged debt;

- d. Defendant violated § 1692e of the FDCPA by using false, deceptive, or misleading representations or means in connection with the collection of a debt;
- e. Defendant violated § 1692e(10) of the FDCPA by using false representations or deceptive means to collect or attempt to collect a debt;
- f. Defendant violated § 1692f of the FDCPA by using unfair and unconscionable means with Plaintiff to collect or attempt to collect a debt;
- g. Defendant violated § 1692f(1) of the FDCPA by collecting an amount not authorized by an agreement creating the debt or permitted by law;
- h. Defendant acted in an otherwise deceptive, unfair and unconscionable manner and failed to comply with the FDCPA.

WHEREFORE, Plaintiff, EVELYN CRUZ-RIVERA, respectfully pray for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, EVELYN CRUZ-RIVERA, demands a jury trial
in this case.

DATED: 4/15/11

RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C..

By: _____

Craig Thor Kimmel
Attorney ID # 57100
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
Phone: (215) 540-8888
Fax: (877) 788-2864
Email: kimmel@creditlaw.com

600 Coon Rapids Blvd
Coon Rapids, MN 55433

Mail To:
PO Box 32145
Fridley MN 55432



DIVERSIFIED
ADJUSTMENT SERVICE, INC.
The Collection Specialists

Local: 763-780-1042
Toll Free: 1-800-592-3429

Numero Gratis Para Espanol:
1-800-279-3733 Ext 261

Office Hours: Monday thru Thursday 8 A.M. to 8 P.M., Friday 8 A.M. to 4:30 P.M. CST

SEPTEMBER 6, 2010

Re: SPRINT
Client Ref #: 1299
Account #: 1405
Balance Due: \$502.49

Your account has been placed with us for collection.

Remit payment in full or call our office at: 1-800-592-3429.

Para Hablar con un representante en Espanol por favor llame: 1-800-279-3733 Ext 261.

Important Federal Law: Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

AN ACCOUNT REPRESENTATIVE

To pay your bill by credit card or phone check call: 1-800-592-3429.

Pay online at: www.EasyPayment.com

Maximum state allowed service charge on all returned checks.

This is a communication from a debt collector attempting to collect a debt.
Any information obtained will be used for that purpose.

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

Detach and Return the Bottom Portion of this Notice with Your Payment

OCU051000N1



Certain State laws require us to notify consumers, of those states, of their following rights. This list does not contain a complete list of rights consumers have under Federal and state law.

California Notice:

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

Colorado Notice:

"FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA."

Colorado address c/o Gallup Communications, 2100 West Drake Road, Suite 6, Fort Collins, CO 80526,
Phone: 970-221-3121.

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

Massachusetts Notice:

NOTICE OF IMPORTANT RIGHTS: YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.

Minnesota Notice:

This collection agency is licensed by the Minnesota Department of Commerce.

New York City Notice:

New York City License Number #0994376.

North Carolina Notice:

North Carolina Department of Insurance, Permit Number 100790.

Tennessee Notice:

This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

Wisconsin Notice:



This collection agency is licensed by the Office of the Administrator of the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707.

Please print your current address and phone number(s) below:

CURRENT ADDRESS		CITY	STATE	ZIP
DAYTIME TELEPHONE #		EVENING TELEPHONE #		

We Accept VISA and MasterCard

If you wish to make your payment via credit card, please complete the information below and return in the enclosed envelope.
The 3-digit ID number is located on the reverse side of your credit card.

CHECK ONE	Account Number	ID Number	Payment Amount	Expiration Date
	<input type="checkbox"/> 	<input type="checkbox"/> 		
Cardholder Name		Signature of Cardholder		Date
Cardholder Street Address		City	State	Zip
Phone number for verification of information if necessary: () - -				

600 Coon Rapids Blvd
Coon Rapids, MN 55432

Enviar A:
PO Box 32145
Fridley MN 55432



DIVERSIFIED
ADJUSTMENT SERVICE, INC.
The Collection Specialists

Numero Local:
763-780-1042

Numero Gratis Para Espanol:
1-866-923-2177

Horas De Oficina: De Lunes A Jueves De 8:00 a.m. A 9:00 p.m., Y Los Viernes De 8:00 a.m. A 4:30 p.m. CST

Re: SPRINT
Numero De
Referencia Del Cliente: 1299

Fecha: NOVEMBER 6, 2010
Numero De Cuenta: 1405
Saldo Pendiente: \$502.49

USTED NO DEBE PERDER ESTA OPORTUNIDAD DE LIQUIDAR SU DEUDA!

Estimado (A) ANGEL RIVERA,

Podemos entender que usted a tenido dificultades financieras, y que no a podido pagar su cuenta. Queremos ofrecerle una posibilidad para que pueda resolver su situacion el 70% del balance original.

Si recibimos el pago de \$351.74, se considerara su cuenta pagado.

LLAME AHORA! Para aprovechar esta oportunidad, favor contactamos al **NUMERO DE LLAMADA GRATIS 1-866-923-2177** donde lo atendera un Representante de su Cuenta.

ENVIELO POR CORREO! Tal vez prefiera pagar el saldo de su cuenta, usando el certificado de Aceptacion que aparece mas abajo. Sencillamente desprenda el formulario y adjuntelo a su pago de \$351.74 en el sobre provisto. Favor envie por correo a mas tardar el 11-26-10.

Un Representante De La Cuenta

El pago del monto de liquidacion de la deuda lo descalifica para el reestablecimiento de los servicios de Sprint. Para acceder al servicio, usted debem pagar la totalidad del saldo adeudado. Una vez efectuado el pago total del saldo, podra solicitar un nuevo servicio con Sprint. Es posible que se le exija un deposito de garantia por cada nueva unidad que instale.

Para Pagar Su Cuenta Con Tarjeta De Credito o Cheque por Telefono Al: 1-866-923-2177.

*** SE ACEPTAN VISA Y MASTERCARD ***

Para pagar por Internet visite la siguiente direccion electronica: <http://www.EasyPayment.com>

SE COBRARA UNA MULTA. SI USTED NO TIENE FONDOS EN LA CUENTA. DEPENDIENDO, LO MAXIMO QUE SU ESTADO AUTORIZADO.

ESTA ES UNA COMUNICACION DE UN COBRADOR QUE INTENTA, COBRAR UNA DEUDA. TODA LA INFORMACION OBTENIDA, SERA UTILIZADA PARA ESE FIN.

POR FAVOR VEA EL LADO REVERSO PARA INFORMACION IMPORTANTE

*** DESPRENDA Y REGRESE LA PARTE DE ABAJO DE ESTA NOTA CON SU PAGO ***

46C19053000SPSIFN70



PO Box 32145
Fridley MN 55432-0145

ADDRESS SERVICE REQUESTED

Re: SPRINT
De Ref del Client: 1299
Numero de Cuenta: 1405
Saldo Pendiente: \$502.49

NOVEMBER 6, 2010

12631405-SPSIFN70 428287774



PERSONAL & CONFIDENTIAL

Angel Rivera
30 E Butler Ave
Ambler PA 19002-4514

Haga los cheques pagable a nombre de:

Diversified Adjustment Service, Inc.
PO Box 32145
Fridley MN 55432-0145



Por favor incluya su numero de cuenta 12631405 en su pago.

600 Coon Rapids Blvd Coon
Rapids, MN 55433

Mailing Address:
PO Box 32145 Fridley MN
55432



DIVERSIFIED.
ADJUSTMENT SERVICE, INC.
The Collection Specialists

Local Number:
763-780-1042

**Toll Free Number for
Spanish: 1-866-923-2177**

Hours of Service: Monday-Thursday from 8:00 a.m. to 9:00 p.m. Friday from 8:00 a.m. to 4:30 p.m. CST

Re: SPRINT
Reference Number:

1299

Date: NOVEMBER 6, 2010
Account Number: 11405
Date: 350249

YOU SHOULD NOT LOSE THIS OPPORTUNITY, TO LIQUIDATE THIS DEBT!

Dear ANGEL RIVERA

We can understand that you to had difficulties financially, and that not to been able to pay this account. We want to offer a possibility to resolve this situation at 70% of the original balance.

If we receive the payment of \$351.74 consider your account paid.

CALL NOW! To take advantage of this opportunity, please call this TOLL FREE NUMBER 1-866-923-2177. To contact a Representative of this Account.

SEND IT BY MAIL! Perhaps you prefer to pay the balance of this account, using the certificate of Acceptance that appears below. Simply remove the form and attach to the payment of \$351.74 in the envelope provided. Please send it by mail no later than 11-26-10.

The payment of the total of liquidation of the debt disqualifies the reestablishment of the services of Sprint. To agree to the service, you should pay the total of the balance owed. Once the total payment of the balance is performed, you can solicit a new service with Sprint. It is possible that a deposit is required for each new unit that you install.

To Pay Your Account By Credit Card or Check Call: 1-866-923-2177

***** We ACCEPT VISA AND MASTERCARD *****

To pay via internet visit the following site: <http://www.EasyPayment.com>

A FINE WILL BE CHARGED. IF YOU DO NOT HAVE FUNDS IN THE ACCOUNT, DEPENDING ON THE MAXIMUM YOUR STATE ALLOWS.

THIS IS A COMMUNICATION FROM A COLLECTOR, THAT IS TRYING TO COLLECT A DEBT. ALL THE INFORMATION OBTAINED, WILL BE UTILIZED FOR THAT PURPOSE.

PLEASE SEE THE REVERSE SIDE FOR IMPORTANT INFORMATION

REMOVE AND RETURN THE BOTTOM OF THIS NOTE WITH YOUR PAYMENT



PO Box 32145
Fridley MN 55432-0145

Re: SPRINT
Reference Number of Client: 233681299
Account Number: 12631405:
Amount \$502.49

ADDRESS SERVICE REQUESTED

November 6, 2010

12631405-SPSIFN70 428287774



PERSONAL & CONFIDENTIAL

Angel Rivera
30 E Butler Ave
Ambler PA 19002-4514

Please make checks payable to:

Diversified Adjustment Service, Inc. PO
Box 32145
Fridley MN 55432-0145



Certain laws of the state require that to the consumers of those states, be notified of its rights. The following list, is not a complete list of the rights that the consumers have under the state and federal law.

Here we are notifying that a negative credit report will be submitted to a credit reporting agency, if you fail to comply with the terms of this obligation of credit.

Colorado Notice:

FOR INFORMATION ABOUT THE JUST PRACTICES OF DEBT COLLECTION OF COLORADO PLEASE GO TO THIS PAGE : www.coloradoattorneygeneral.gov/ca.

Address in Colorado c/o Gallup Communications, 2100 West Drake Road, Suite 6, Fort Collins, CO 80526. Phone: 970-221-3121.

A consumer has the right to request in writing that the collector of the agency of collection cease future communications with the consumer. A suggestion in writing of cessation does not prohibit the collector of the agency of collection to take other authorized actions by the Law of collection.

Minnesota Notice:

This agency of collection is licensed by The Department of Commerce of the State of Minnesota.

New York City Notice:

License Number for the City of New York: #0994376.

North Carolina Notice:

Number of permission of the Department of Insurances of North Carolina: # 100790.

Tennessee Notice:

This agency of collection this Licensed by the Board of Collection Services and Department of Commerce and Insurance of the State.

Wisconsin Notice:

This agency of collection is licensed by the Office of Banking Division Administration. P.O. Box 7876, Madison, Wisconsin 53707.

Indique cambio de domicilio abajo:

DOMICILIO		CIUDAD		EST-DO	CODIGO POSTAL
NUMERO DE TELEFONO CON EL AREA			TEL: FONO DE TRABAJO		
Si esta pagando con VISA o MasterCard par favor llene la parte de abajo.					
3 ULTIMOS DIGITOS A TRAS DE TARJETA					
NUMERO DE TARJETA 16 DIGITOS		3 DIGITOS	MONTO A PAGAR	FECHA DE VEN	
MARQUE UNO			1 \$		
O					
NOMBRE EN LA TARJETA		FIRMA		FECHA	
O					
DOMICILIO		CIUDAD		ESTAD	CODIGO POSTAL
NUMERO DE TELEFONO CON EL AREA: ()					



Online Payments

- Credit Card *
- Pay by Check *
- MoneyGram *

[Make Payments Online](#)

[FAQ](#)

[Contact Us](#)

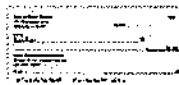


Pay Your Bill Online

- * No registration required
- * Pay your account, from anywhere, at your convenience
- * It's safe and secure
- * Receive a receipt of your transaction
- * Save time and postage
- * Four payment methods to choose from

For Important State Notices, [Click Here](#)

Click on one of the images below to select a payment method:



Colorado

For information about the Colorado Fair Debt Collection Practices Act, see www.ago.state.co.us/cab.htm

Massachusetts

Massachusetts Office 5230 Washington St., West Roxbury, Ma. 02132
Office hours Monday thru Thursday 10a.m. - 3p.m.

Minnesota

This collection agency is licensed by the Minnesota Department of Commerce.

North Carolina

North Carolina Department of Insurance permit number 3100.

New York

New York license #0994376

Tennessee

This collection board is licensed by the Collection Service Board, State Department of Commerce and Insurance.

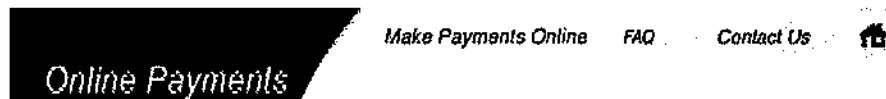
Wisconsin

This collection agency is licensed by the Office of the Administration of Banking,
P.O. Box 7876, Madison, WI. 53507

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Credit Card
Pay by Check •



Credit Card Information

There will be an additional convenience charge of \$6.99, unless you are a resident of Colorado, Wisconsin, Massachusetts, Nevada or Wyoming.

* = required information

* Payer First Name:

Payer Middle Initial:

* Payer Last Name:

* Creditor name:
(Who do you owe?)

* Payer e-mail
address:

Payer Phone Number:

Payer Employer
Phone Number:

Date of Birth:
(mm/dd/yyyy)

* Payer Street Add 1:

Payer Street Add 2:

* Payer City:

* Payer State: **Select One**

* Payer Zip:

Diversified Account
Number:

* Card Number:
(16 digits without -)

* Expiration Date:

* CCV Code:
(3 digit number on back of
card)

* Name as it appears
on card:

* Payment Amount:
(Use Decimals; Dollars in
U.S. Currency)

Cardholder's Street
Address 1:

Cardholder's Street
Address 2:

Cardholder's City:

Cardholder's State: AK

* Cardholder's Zip:

**There will be an additional convenience charge of \$6.99,
unless you are a resident of Colorado, Wisconsin,
Massachusetts, Nevada or Wyoming.**

Submit

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Online Payments

- Credit Card ♦
- Pay by Check ♦



Make Payments Online [FAQ](#) [Contact Us](#)

Pay by Check

There will be an additional convenience charge of \$6.99 to pay by check unless you are a resident of Colorado, Massachusetts, Nevada, Wisconsin or Wyoming.

• Payer First Name:

Payer Middle Initial:

• Payer Last Name:

• Creditor Name:(Who you owe?)

• Payer Email Address:

Payer Phone Number:

Payer Employer Phone Number:

Social Security Number:

Date of Birth:

• Payer Street Add 1:

Payer Street Add 2:

• Payer City:

• Payer State:

• Payer Zip:

Diversified Account Number:

• Check Number: [Click here for sample](#)

• Check Amount:
(Use Decimals; Dollars in U.S. Currency)

• Bank Name:

• Branch Location:

• Routing Number: [Click here for sample](#)

• Check Account Number: [Click here for sample](#)

• First Name on the check:

Middle Initial on the check:

• Last Name on the check:

Suffix on the check:

Checking Account Address 1:

Checking Account Address 2:

Checking Account City:

Checking Account State: AK

Checking Account Zip:

There will be an additional convenience charge of \$6.99 to pay by check unless you are a resident of Colorado, Massachusetts, Nevada, Wisconsin or Wyoming.
(The maximum state allowable service charge will be added to your balance on all returned checks.)

[Submit](#)

9999	
CHECK NUMBER	
PAY TO THE ORDER OF \$	
ABA NUMBER (9 DIGITS) ACCOUNT NUMBER (7-14 DIGITS)	
123456789 09876543210123 99999	

[Make Payment Online](#) [FAQ](#) [Contact Us](#)

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